



## OFFICE OF THE BOARD OF APPEALS

Littleton, Massachusetts 01460

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Petitioner: ANDREW KALAFATIS

Case No: 880A

Date Filed: November 23, 2016

The Littleton Board of Appeals conducted a public hearing on December 15, 2016, at 8:00 P.M. at the Shattuck Street Municipal Building, Shattuck Street, Littleton, for a Special permit pursuant to Section 173-10B (1), or a Variance pursuant to Section 173-31, to allow change or extension of a pre-existing non-conforming structure at 32 Middlesex Drive, Littleton, Ma. Notice of the hearing was given by publication in the Littleton Independent, a newspaper circulated in Littleton, on December 1, and 8, 2016, and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, Rod Stewart, Jeff Yates, Alan Bell, and Cheryl Hollinger, Members. Present and not voting was Marc Saucier, Alternate.

The Petitioner presented a plan to replace the dwelling at 32 Middlesex Drive, with a complete tear down and rebuild of the home. Middlesex Drive is a residential area near the lake where lots are typically less than the current zoning requirement of 1 acre minimum. This lot has 24,000 square feet. The lot has wetlands to the rear and the septic system is located in the right front yard. The front setback is currently 22.1 feet and the left side setback 10 feet. The other dimensions meet the zoning bylaw. The Petitioner proposed to tear down the existing structure and build a cape style two bedroom dwelling with first floor master bedroom. He stated that he already obtained Board of Health and Conservation approval. The Petitioner explained that the house could not be located in any other area because of the septic and wetlands offsets.

The Zoning Officer opined that the policy in Littleton is to allow by variance or special permit a new structure as preferable to the "save one wall" method, as it would improve the cohesiveness of the structure to build completely new. It has been the policy of this Board to treat such applications as Special Permits under Section 173-10(B)(1) where no new nonconformities are being created, and as variances when a new non conformity is created. The Petitioner's request improves the side setback non-conformity but creates more of it, so the Board will treat the request as a Variance.

One Abutter appeared to question the drainage and was satisfied with Petitioner's plans.

**FINDINGS:** The Board found that the lot is unique in size and limitations due to the septic and wetlands constraints and found that replacing the dwelling in substantially the same location, with a modest two bedroom replacement would not derogate from the intent or purpose of the zoning bylaw and would not be a substantial detriment to the public good.



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**DECISION:** The Board voted unanimously to GRANT a Variance pursuant to Section 173-31 to allow reduced front and side setbacks on a preexisting non-conforming lot, substantially as shown on the Site plan prepared by R. Wilson and Associates dated October 27, 2016, submitted with the application.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Notice in the office of the Town Clerk.

Signed:



12/16/16

ALAN BELL, CLERK

Date: December 16, 2016

Book: 67095, Page 444.

I hereby signify that twenty (20) days have elapsed since the filing of the above Decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

True Copy Attest:

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Town Clerk, Littleton, Massachusetts